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09/838,740	04/19/2001	Mark Weinzierl	107870.00026	9331

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EXAMINER	
CASIANO, ANGEL L	
ART UNIT	PAPER NUMBER
2182	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/838,740	Applicant(s) WEINZIERL ET AL.	
	Examiner Angel L. Casiano	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. The present Office Action is in response to application filed 19 April 2001, which is a Continuation in Part (CIP) of 09/552,364 filed 19 April 2000.

2. Claims 1-21 are pending in the present application. All claims have been examined.

3. Claims 15 (second occurrence), 16 (second occurrence), and 17 are renumbered as claims 17-19. When claims are presented, they must be numbered consecutively (see MPEP 608.01(j); 37 CFR 1.126).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 06 September 2002 was filed after the mailing date of the application on 19 April 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Fig. 1, "100"
- Fig. 5, "500"

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

8. The disclosure is objected to because of the following informalities:

- Page 4, line 1; should read "portfolio" instead of "port folio".
- Page 12, line 6; should read "attach" instead of "attached".

- Page 13, lines 20-21; sentence is unclear.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 7 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 7 recites the limitation "wireless connection" in reference to claim 6. However, claim 6 does not cite a wireless connection. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 (lines 2-3) recites "means for transmitting a radio signal" and "means for communication coupled to the means for transmitting". However, the present claim is unclear, since it is understood that transmission includes communication.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holshouser [US 6,282,433 B1].

Regarding claim 1, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a communication device (see Fig. 3), an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55), and a data entry system coupled to the interface (see Fig. 3; col. 2, line 55). In the prior art system, the communication device, the interface, and the data entry system are coupled together (see Fig. 3; col. 2, lines 44-46). However, the cited prior art does not explicitly teach the system providing a "portfolio" or the "communication device, the interface, and the data entry system coupled together within a folio". Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the "portfolio", as claimed, constituted a type of housing, as disclosed by Holshouser.

As for claim 2, the cited prior art teaches the system integrating the communication device, the interface, and the data entry system in communicative proximity to each other (see Fig. 3).

As for claim 3, the communication device disclosed by Holshouser in adapted to communicate wirelessly with a computing device (see col. 3, lines 4-6; col. 5, lines 46, 51 and 55).

As for claim 4, the communication device disclosed by Holshouser is adapted to communicate wirelessly with a communications network (see Abstract).

As for claim 5, the communication device in the prior art is a receiver (see Abstract; col. 1, line 56; col. 3, line 17).

In consideration of claim 6, Holshouser does not teach the communication device as adapted to communicate wirelessly with a Cellular Digital Packet Data push technology communications network. Nonetheless, Holshouser teaches wireless communication over a network (see Abstract). Furthermore, the system disclosed in the cited prior art includes a cellular telephone as part of the disclosure (see col. 1, line 51). It is well known that CDPD (Cellular Digital Packet Data) is a protocol for wireless two-way transmission, which was developed for cellular phone frequencies. Therefore, since Holshouser teaches a cellular telephone as part of its system, it would have been obvious to one of ordinary skill in the art at the time of the invention, to communicate information using CDPD protocol, since it is a well known wireless standard.

As for claim 7, the cited prior art teaches a Local Area Network (LAN) wireless connection (see Abstract; col. 1, lines 27-28).

As for claim 8, Holshouser teaches a wireless connection to a network (see Abstract). However, the cited art does not specify the network as being a Wide Area Network (WAN). It is known in the art that WAN are networks which connect LAN (Local Area Networks). Accordingly,

Holshouser teaches a LAN wireless connection (see col. 3, lines 13-14). One of ordinary skill in the art would have been motivated to connect the cited system to a WAN (e.g. internet), since it would allow communication with multiple users and computers in different locations.

As for claim 9, the communication device is adapted to communicate wirelessly with a Global Positioning System (GPS) (see col. 3, line 17).

As for claim 10, the system disclosed in the cited prior art teaches a processor coupled to the interface (see col. 2, lines 51-52).

As for claims 11 and 12, Holshouser does not explicitly teach a (LED) Light Emitting Diode coupled to the processor to provide wireless communication status. Nonetheless, the cited prior art teaches wireless communication (see Abstract). In addition, the prior art system includes display, indicating information to the user (see col. 2, lines 56-57). Accordingly, one of ordinary skill in the art would have been motivated to incorporate an LED to indicate wireless communication status information, since LED provides a display as an indication. Since the cited system teaches wireless communication, it would have been obvious to one of ordinary skill in the art at the time of the invention that the information provided to the user, as disclosed by Holshouser, would have included information (status) related to wireless communication.

As for claim 13, although a "thin-client" is not expressly included in the disclosure, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3,

"30"). It is well known in the art that a "thin-client" is an example of an external device, which would have been connected to the prior art interface

Considering claim 14, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a communication device (see Fig. 3), an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55), a processor coupled to the communication device (see col. 2, lines 51-52), and a data entry system coupled to the interface (see Fig. 3; col. 2, line 55). However, the cited prior art does not explicitly teach the system as being a "thin-client wireless portfolio". Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the "portfolio", as claimed, constituted a type of housing, as disclosed by Holshouser. In addition, it is well known in the art that a "thin-client" is an example of an external device, which would have been connected to the prior art interface

As for claim 15, although a "thin-client" is not expressly included in the disclosure, Holshouser teaches enabling the interface to receive an external device (see col. 2, lines 65-66; see Fig. 3, "30"). It is well known in the art that a "thin-client" is an example of an external device, which would have been connected to the prior art interface.

As for claims 17 and 18, the cited art does not mention a "thin-client wireless portfolio" supporting a "Blue Tooth Protocol" or an "Infra Red Data Association (IRDA) IR Comm

Protocol". As for claim 17, it is well know in the art that "Blue Tooth" is a specification for short-range communication among computing devices. Regarding claim18, "Infra Red Data Association (IRDA) IR Communication Protocol" allows a computing device (e.g. computer, laptop, PDA) to communicate with other devices via infrared. Holshouser teaches infrared communication, as part of its disclosure (see col. 2, line 9; col. 3, lines 4-6). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify a protocol for wireless communication and infrared communication in order to allow proper communication with other devices, as disclosed by Holshouser.

As for claims 18 and 19, the prior art device transceives audio (see col. 3, lines 32-33) and data (see Abstract).

Regarding claim 20, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes means for communication (see Fig. 3), means for transmitting a radio signal (see Abstract), and means for data entry coupled to the means for communication (see Fig. 3; col. 2, line 55). However, the cited prior art does not explicitly teach the system providing a "portfolio". Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the "portfolio", as claimed, constituted a type of housing, as disclosed by Holshouser.

Regarding claim 21, Holshouser teaches a system providing a wireless day planner (see Abstract; Fig. 3). The cited system includes a communication device (see Fig. 3), an interface coupled to the communication device (see Figs. 1-3; col. 2, lines 54-55), and a data entry system coupled to the interface (see Fig. 3; col. 2, line 55). In the prior art system, the communication device, the interface, and the data entry system are coupled together (see Fig. 3; col. 2, lines 44-46). The cited prior art system also includes a computing device enabled to communicate with the communication device (see col. 2, lines 65-67; col. 3, lines 1-6). However, the cited prior art does not explicitly teach the system providing a "portfolio" or the "communication device, the interface, the computing device, and the data entry system coupled together within a folio". Nonetheless, it should be noted that the cited reference teaches the system having its elements together within a housing (see col. 2, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the "portfolio", as claimed, constituted a type of housing, as disclosed by Holshouser.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Uusimaki [US 6,571,086 B1] teaches wireless communication device and a control means.
- Floman et al. [US 2003/0084206 A1] teaches a method for downloading control software/operating systems of user interfaces into an electronic device.

- Oprescu-Surcobe [US 6,356,961 B1] discloses method and apparatus for minimizing an amount of data communicated between devices and necessary to modify stored electronic documents.
- Pardo [US 6,266,539 B1] teaches telephone docking station for personal digital assistant.
- Reed et al. [US 6,263,209 B1] teaches method and apparatus in a wireless communication system for creating a learning function.
- Wang [US 6,175,922 B1] teaches electronic transaction systems and methods.
- Wicks et al. [US 5,796,394] teaches user interface and rule processing for a personal communications routing system.
- Darbee [US 5,778,256] teaches PDA having a separate infrared generating device connected to its printer port for controlling home appliances.
- Pepe et al. [US 5,742,905] teaches personal communications internetworking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 800-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

alc
August 8, 2003

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
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